

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTOINE GEE,

Plaintiff,

-against-

CYNTHIA BRANN,

Defendant.

20-CV-7503 (LLS)

ORDER DIRECTING ORIGINAL
SIGNATURE AND PAYMENT OF FEE OR
IFP APPLICATION AND PRISONER
AUTHORIZATION

LOUIS L. STANTON, United States District Judge:

Plaintiff, currently incarcerated in the North Infirmarium Command on Rikers Island, brings this action *pro se*. Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name – or by a party personally if the party is unrepresented.” *See also* Local Civil Rule 11.1(a). The Supreme Court has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).

Furthermore, to proceed with a civil action in this Court, a prisoner must either pay \$400.00 in fees – a \$350.00 filing fee plus a \$50.00 administrative fee – or, to request permission to proceed without prepayment of fees, submit a signed request to proceed *in forma pauperis* (IFP application) and a prisoner authorization. *See* 28 U.S.C. §§ 1914, 1915. If the Court grants a prisoner’s IFP application, the Prison Litigation Reform Act requires the Court to collect the \$350.00 filing fee in installments deducted from the prisoner’s account. *See* 28 U.S.C. § 1915(b)(1). A prisoner seeking to proceed in this Court without prepayment of fees must therefore also authorize the Court to withdraw these payments from his account by filing a “prisoner authorization,” which directs the facility where the prisoner is incarcerated to deduct

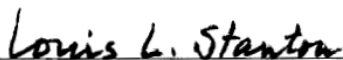
the \$350.00 filing fee¹ from the prisoner's account in installments and to send to this Court certified copies of the prisoner's account statements for the past six months. *See* 28 U.S.C. § 1915(a)(2), (b).

Plaintiff submitted the complaint without a signature, and he also failed to submit the filing fees or a completed IFP application and a prisoner authorization form. Within thirty days of the date of this order, Plaintiff must complete, sign, and submit the attached declaration indicating that he is the plaintiff in this action, and he must either pay the \$400.00 in fees or complete, sign, and submit the attached IFP application and prisoner authorization forms. If Plaintiff submits the declaration and IFP application and prisoner authorization forms, these documents should be labeled with docket number 20-CV-7503 (LLS).

The Clerk of Court is directed to mail a copy of the complaint and this order to Plaintiff, and note service on the docket. No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

SO ORDERED.

Dated: September 23, 2020
New York, New York



Louis L. Stanton
U.S.D.J.

¹ The \$50.00 administrative fee for filing a civil action does not apply to persons granted IFP status under 28 U.S.C. § 1915.